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Document Control Office (7407M)
Office of Pollution Prevention and Toxics (OPPT)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

**Subject: Risk Evaluation Scoping Efforts Under TSCA for Ten Chemical Substances;
Asbestos; Docket ID No.: EPA-HQ-OPPT-2016-0736**

Filed via the Federal eRulemaking Portal: <http://www.regulations.gov>

Dear Sir or Madam:

The Industrial Minerals Association – North America (IMA-NA) is a trade association created to advance the interests of North American companies that extract and process industrial minerals used throughout the manufacturing and agricultural industries. North American industrial minerals play an integral role in fostering economic prosperity and the high standard of living that we enjoy. IMA-NA is pleased to offer the following comments in response to the U.S. Environmental Protection Agency's (EPA or Agency) Risk Evaluation Efforts Under the Toxic Substances Control Act (TSCA) for Ten Chemical Substances, specifically *Asbestos*, as requested in *Federal Register* documents dated January 19, 2017 (82 FR 6545) and March 6, 2017 (82 FR 12589).

In these *Federal Register* documents EPA solicited comments to receive input and information to assist the Agency in its efforts to establish the scope of risk evaluations under development for the ten chemical substances designated on December 19, 2016, for risk evaluations. See 81 FR 91927. EPA asked the public for assistance in identifying information specifically related to the conditions of use (i.e., intended, known or reasonably foreseen uses) that would assist the Agency in identifying potential exposure scenarios (pathways, routes and populations). In advance of a public meeting on this initiative held in Washington, DC, on February 14, 2017, the Agency made available for reference a 15-page document titled, "*Preliminary Information on Manufacturing, Processing, Distribution, Use, and Disposal: Asbestos*," CASRN: 1332-21-4, February 2017, Support document for Docket EPA-HQ-OPPT-2016-0736 (Support Document), accessible at: <https://www.epa.gov/sites/production/files/2017-02/documents/asbestos.pdf>. On Pages 6-8 of 15, the Support Document addresses "3. Products and Articles." IMA-NA believes it has detected an inadvertent error therein and wishes to bring it to the attention of EPA for correction.

EPA references on Page 8 of 15 of the Support Document: "Tremolite (nonasbestiform)," and

provides a hyperlink to: <https://www.whatsinproducts.com/chemicals/view/1/2240/014567-73-8>. That reference is to the Website of DeLima Associates and its *Consumer Product Information Database (CPID)* and references nonasbestiform tremolite-containing products. The proper reference should have been “Tremolite asbestos,” similar to product searches for “Anthophyllite asbestos” and “Chrysotile asbestos,” as listed on Page 8 of 15 of the Support Document. For EPA’s information, a search of “Tremolite asbestos” on the Website of DeLima Associates’ *Consumer Product Information Database* produced no responsive returns. The search responds with the above-referenced link for “Tremolite (nonasbestiform).” Clearly, the DeLima Associates’ Consumer Product Information Database search protocol is in error.

Further, when accessing the EPA-provided hyperlink for “Anthophyllite asbestos” (<https://www.whatsinproducts.com/chemicals/view/1/2239/017068-78-9>) the DeLima Associates database lists four products that contain “Anthophyllite asbestos,” yet “Anthophyllite asbestos” does not appear in the “Composition/Information on Ingredients” or “Ingredients” list on any of the actual MSDS documents provided. Three out of four actual MSDS documents are accessible through the DeLima Associates Website by activating the “View Material Safety Data Sheet (MSDS)” icon. In all cases, the DeLima Associates searchable electronic records reference “Anthophyllite asbestos,” while the actual MSDSs reference “Anthophyllite, nonasbestiform” or simply “Anthophyllite.” Please note that in all cases (both the DeLima Associates electronic records and the actual posted MSDS documents), CAS No. 17068-78-9 for nonasbestiform anthophyllite is used. Use of the term “Anthophyllite asbestos” by DeLima Associates in contradiction of the actual MSDS is inappropriate and a clear misstatement of terminology. IMA-NA has serious misgivings about the DeLima Associates Website. In spite of repeated references to anthophyllite asbestos on the Website, none of the posted MSDSs for the identified products lists anthophyllite asbestos as an ingredient. Yet, the Website maintains that they all contain anthophyllite asbestos. This is highly irregular, to say the least.

IMA-NA cautions use by EPA of an unsubstantiated online database with errors such as these. In fact, the following wording appears on the Website: “DeLima Associates does not test any products nor investigate to determine if this information is complete or accurate. We do our best to record the information as it appears on labels and other sources.” See https://www.whatsinproducts.com/contents/about_cp/1. IMA-NA urges the use of peer-reviewed references with documented objective data when providing information for public comment.

Moreover, the DeLima Associates Website portal page for “Tremolite (nonasbestiform)” lists “Tremolite asbestos; Actinolite (Ca₂Mg₅H₂(SiO₃)₈); Tremolite” as being synonyms. While it may have been an inadvertent error for EPA to reference the inappropriately returned search for nonasbestiform tremolite-containing products, the Agency should take administrative notice that “Tremolite asbestos; Actinolite (Ca₂Mg₅H₂(SiO₃)₈); Tremolite” are not synonymous with “Tremolite (nonasbestiform).” A similar misstatement is contained on the DeLima Associates Website portal page for “Anthophyllite asbestos,” listing “Anthophyllite asbestos” and “Anthophyllite” as synonyms. EPA should take administrative notice that “Anthophyllite” is not synonymous with “Anthophyllite asbestos.”

Decades ago the Chemical Abstract Service (CAS) adopted individualized CAS Registry numbers to differentiate selected silicate minerals and their asbestiform counterparts. See IMA-

NA Attachment 1. Part of the confusion that exists in some circles stems from the fact that when CAS designated CAS No. 77536-68-6* for “Tremolite asbestos,” it retained CAS No. 14567-73-8 for “Tremolite (nonasbestiform).” Until that time, CAS No. 14567-73-8 had been used interchangeably in referring to both “Tremolite asbestos” and “Tremolite (nonasbestiform).” A similar situation prevailed when CAS designated CAS No. 77536-67-5* for “Anthophyllite asbestos,” but retained CAS No. 17068-78-9 for nonasbestiform “Anthophyllite.” U.S. regulatory agency recognition of this differentiation occurred during the same time frame, notably as the result of a rulemaking conducted by the Occupational Safety and Health Administration (OSHA). See

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=PREAMBLES&p_id=785, particularly the last paragraph. CAS now uses the two differentiated CAS Nos. 77536-68-6* and 14567-73-8 to refer with specificity to “Tremolite asbestos” and “Tremolite (nonasbestiform)”, respectively. See IMA-NA Attachment 2 (highlighting added). CAS also now uses the two differentiated CAS Nos. 77536-67-5* and 17068-78-9 to refer with specificity to “Anthophyllite asbestos” and “Anthophyllite (nonasbestiform), respectively.” EPA would be well served to do the same.

As EPA must appreciate, the focus of its risk evaluations for “asbestos” properly should be limited to the six regulated forms of commercial “asbestos,” specifically actinolite asbestos (CAS No. 77536-66-4*), amosite (CAS No. 12172-73-5*), anthophyllite asbestos (CAS No. 77536-67-5*), chrysotile (CAS No. 12001-29-5), crocidolite (CAS No. 12001-28-4) and tremolite asbestos (CAS No. 77536-68-6*). See Attachment 1 and 40 CFR Subpart I, specifically 40 CFR §763.163. The nonasbestiform analogs of the six regulated forms of commercial “asbestos” properly should not be considered as EPA develops the scope of its risk evaluations for “asbestos.” Consequently, the nonasbestiform-containing products accessible through the links on Page 8 of 15 of the Support Document should not be used to determine conditions of use in identifying potential exposure scenarios. While the misstatements, no doubt, were inadvertent, they are inappropriate, misleading and should not be relied upon further by EPA, or others, in establishing the scope of any future risk evaluations for “asbestos” under TSCA. Similarly, the Agency should take administrative notice that the minerals actinolite (nonasbestiform), anthophyllite (nonasbestiform) and tremolite (nonasbestiform) are not synonymous with actinolite asbestos, anthophyllite asbestos and tremolite asbestos, the nonasbestiform minerals having distinct CAS numbers differentiating them from their asbestiform counterparts.

It is essential the Agency apply proper mineral science and up-to-date information whenever it addresses the generic term “asbestos.” Significant and unnecessary confusion is inevitable if it does not.

Thank you for taking time to consider and act upon these comments.

Sincerely,

 **Ex. 6 - Personal Privacy**

Mark G. Ellis
President

cc: Robert Courtnage, Associate Chief, Fibers and Organics Branch, National Program
Chemicals Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection
Agency

IMA-NA Attachment 1
IMA-NA Attachment 2